IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 18186 of 2007(M)

PETITIONER:

BHASURENDRA BABU P., AGED 54 YEARS,
SUB ENGINEER (CIVIL), BDPP, KERALA STATE
ELECTRICITY BOARD, BRAHMAPURAM,ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.MOHAMMED SHIRAZ.

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY, VYDHYUTHI BHAVAN,
   PATTOM, TRIVANDRUM.

2. **THE CHIEF ENGHIEER (HRM),**
   KERALA STATE ELECTRICITY BOARD, VYDHYUTHI BHAVAN,
   PATTOM, TRIVANDRUM.

3. **THE TEAM LEADER & PRINCIPAL PROJECT**
   CO-ORDINATOR, BDPP, KERALA STATE ELECTRICITY BOARD
   BRAHMAPURAM, ERNAKULAM DISTRICT.

BY ADV. SRI. K.S. ANIL, SC, KSEB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.18186 of 2007

Dated this the 13th June, 2007.

JUDGMENT

The petitioner is a Sub Engineer(Civil) attached to the Brahmapuram Diesel Power Plant of the Kerala State Electricity Board, at Brahmapuram in Ernakulam District. By Ext.P1 general transfer order, he has been transferred to Research Division No.II, Vazhathoppe in Idukki District. The petitioner has been continuing in the present station for more than ten years. So, normally he is liable to be transferred. The contention of the petitioner is, he has got only less than two years to retire from service and, therefore, he is entitled for protection from transfer, based on Ext.P2 norms of transfer of employees of the Kerala State Electricity Board. He also claims retention in the present station on the ground that his wife is suffering from seizure disorder and is undergoing treatment in a hospital at Ernakulam. The petitioner has preferred Ext.P3 representation before the 2nd respondent, praying for retention in the present

station. The said representation has been forwarded to the Chief Engineer, through proper channel. Thereafter, this writ petition is filed, challenging Ext.P1, to the extent it relates to the transfer of the petitioner, and also seeking consequential reliefs.

2. Edt.P1 is a general transfer order. It is stated to be both in public interest and in exigencies of service. If that be so, that transfer will not be governed, by Ext.P2 norms. This is evident from clause IX of Ext.P2, which reads as follows:

> "Notwithstanding anything mentioned above, the Board reserves the right to transfer any person to any place in the exigencies of service or public interest. The Board accepts the above general guidelines and orders accordingly."

Evidently, the present transfer is covered by the above quoted clause of Ext.P2 norms. Normally, this Court will interfere with transfers only if it is vitiated by mala fides or is illegal. No such ground is made out in this writ petition.

3. The learned counsel for the petitioner submits that the petitioner may be retained in the present station on compassionate grounds, in view of the neurological disorder of his wife. I feel it is a matter which should be considered by the by the 2nd respondent. The petitioner is a Sub Engineer (Civil) and there is likelihood of having vacancies somewhere in Ernakulam, in which the petitioner could be accommodated. So, even if the petitioners continuance in the same station for more than ten years may not be desirable, the 2nd respondent may consider whether the petitioner could be posted somewhere else in Ernakulam District. This the 2nd respondent shall do within one month from the date of production of a copy of this judgment, having regard to the grievances highlighted by the petitioner in his representation, Ext.P3.

This writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.